

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

J. BARROWS, INC.

Plaintiff,

vs.

JOSEPH UVINO, WENDY UVINO, et al.

Defendants,

JOHN BARROWS, et al.

Additional Defendants
On the Counterclaims,

JOSEPH UVINO, WENDY UVINO, et al.

Third-Party Plaintiffs,

vs.

JOHN BARROWS, et al.,

Third-Party Defendant.

Case No. 09-CV-3905(LDW)(ETB)

ECF CASE

AFFIRMATION IN OPPOSITION TO INTERVENTION

Jeremy D. Platek, an attorney duly admitted to practice in the Courts of the State of New York, affirms under penalty of perjury as follows:

1. Attached hereto as Exhibit A is a true and correct copy of the Affidavit of John Barrows submitted in opposition to the motion for intervention, sworn to on November 10, 2011.
2. Attached hereto as Exhibit B is a copy of the Civil Docket for Case number 2:09-cv-03905-LDW-ETB printed on November 10, 2011.
3. The final deposition in this matter was conducted on December 3, 2010. It was the second day of the Uvino's expert, William Waldron's deposition.

4. Trial of this matter commenced with jury selection and opening arguments on September 19, 2011. On September 20, 2011, this Court declared a mistrial based on a perceived conflict in the representation of Marshall M. Stern, Esq. who was serving as counsel for both JL Masonry & Construction, Inc. and Valdespino Custom Builders, Inc.
5. On September 20, 2011, the Court ruled on Harleystown's request for leave to intervene and granted its request for formal motion practice on the issue.
6. Attached hereto as Exhibit C is a true and correct copy of the Complaint that the Uvinos filed against Kaehler Moore Architects, LLC, J. Barrows, Inc. and John Barrows in State Supreme Court, New York County.

Dated: Tarrytown, New York
November 18, 2011


Jeremy D. Platek